REMARKS

This Response is submitted in reply to the Notice of Panel Decision dated August 23, 2011, the Advisory Action dated May 12, 2011, and the final Office Action dated February 17, 2011. Claims 1 to 7, 9 to 11 and 13 are pending in the present application. Claims 1, 7, 9 to 11 and 13 are in independent form. Claims 1, 7, 9 to 11 and 13 are hereby amended. No new matter has been added by such amendments. Support for these amendments can be found, for example, in at least paragraphs 16 and 160 of the published application.

A Request for Continued Examination is submitted herewith. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response. If such a withdrawal is made, please indicate the Attorney Docket No. 3712174-00763 on the account statement.

The Office Action rejected Claims 1 to 7, 9 to 11 and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,757,240 to Miller et al. ("*Miller*"). In the Notice of Panel Decision, the Patent Office maintained its previous rejections. In view of the amendments made herein, Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Amended independent Claim 1 recites, in part, a file recording apparatus having a memory device storing instructions that cause a processor to form "a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable, *the effect track being unprocessable upon an occurrence of at least one of: (A) the effect track version being different from the player version and (B) the effect ID not corresponding to the owner ID.*" (Emphasis added.) Applicant respectfully submits that *Miller* fails to disclose each element of Claim 1.

Miller discloses a matrix switch that allows a user to direct multiple inputs to multiple outputs. (*Miller*, column 13, lines 33 to 35.) The inputs may be coupled to media content sources and an output may define an editing project created by a user. (*Id.*, Abstract; column 13, lines 50 to 53.) To create the editing project, the user can select from a number of different multimedia clips or tracks which can be assembled into a presentation. (*Id.*, column 13, lines 64 to 66.)

Miller fails to disclose, however, using a first alternate track in response to an effect track being unprocessable, where the effect track is unprocessable when an effect track version is different from a player version or when an effect ID of the effect track does not correspond to an owner ID of the player. The Advisory Action asserts that *Miller* discloses using a first alternate track in response to the effect track being unprocessable, stating:

> The sources are arranged in the tree structure in the order of their priority. Furthermore, Miller et al. discloses a first alternate track, for example, in fig. 21, a alternate track is "B" which includes video data and being used in response to the track "A" which being unprocessable. Source "A" doesn't have any transition object to change between two or more sources or any effect object video stream presentation format. We can broadly interpret "unprocessable" as which is not process by adding any transition object or any effect object. The priority level of the source A, B, and C, starting with lowest priority source from A to C. Source A has low priority than source B and C. Therefore, the first alternate track is meet by the source B or C including video data equivalent to video data obtained by performing a priority process, wherein, the first alternate track B or C being used in response to the effect track A being uprocessable.

(Advisory Action, page 3.) Amended independent Claim 1, however, now recites that an effect track is unprocessable when the effect track version is different from the player version or when the effect ID of the effect track does not correspond to the owner ID of the player. Applicant respectfully submits *Miller* fails to disclose what, if anything, occurs in response to an effect track being unprocessable, where an effect track is unprocessable when the effect track version is different from the player version or when the effect ID of the effect track does not correspond to the owner ID of the player.

In fact, it appears that *Miller* is only concerned with situations where tracks *are* processable:

> Moreover, as will be developed more fully below, the scalable nature of matrix switch filter 308 facilitates such iterative *processing for any number of content threads, tracks or compositions.*
>
> * * *
>
> In this particular processing example [involving tracks A, B, and C], a rule is defined that *sources on tracks are processed* before

> *transitions on the tracks are processed* because transitions operate
> on two objects that are beneath them.
>
> <div align="center">* * *</div>
>
> Summarizing, this processing though: *after the effect is entered
> into the grid and processed* as described above, the traversal of tree
> 2100 next encounters the node associated with source C.

(*Miller*, column 11, lines 35 to 38; column 17, lines 29 to 32; column 20, lines 7 to 10)
(emphasis added). Analyzing each of the above paragraphs in turn, *Miller* at column 11 lines 35
to 38 teaches that the switch is scalable and can process any number of tracks, *Miller* at column
17 lines 29 to 32 teaches that sources and transitions are processed, and *Miller* at column 20 lines
7 to 10 teaches that an effect is processed.

Amended independent Claim 1, on the other hand, recites "a first alternate track
including video data equivalent to video data obtained by performing a process according to the
effect track, the first alternate track being used in response to the effect track being
unprocessable, the effect track being unprocessable upon an occurrence of at least one of: (A) the
effect track version being different from the player version and (B) the effect ID not
corresponding to the owner ID." Therefore, Applicant respectfully submits that *Miller* fails
disclose each element of amended independent Claim 1.

For at least these reasons, Applicant respectfully submits that independent Claim 1 is
patentably distinguished over *Miller* and in condition for allowance. Dependent Claims 2 to 6
depend from independent Claim 1 and are also allowable for the reasons given with respect to
Claim 1 and because of the additional features recited in these claims.

Independent Claims 7, 9 to 11 and 13 each includes certain similar elements to
independent Claim 1. For reasons similar to those discussed above with respect to independent
Claim 1, independent Claims 7, 9 to 11 and 13 are each patentably distinguished over *Miller* and
in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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